HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6466 of 2007

Dated:04.04.2007

Between:

K.Manikya Reddy and another.

…Petitioners.

and

The Sub-Registrar, Medchal and others.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6466 of 2007

ORDER:

The petitioners claim to be the owners of land in Sy.No.337 of Nizampet Village. It is said to have been purchased by the father of the 1st petitioner, through a sale deed, dated 15.12.1964, from the original owner, by name, K.Janga Reddy. The petitioners intended to sell part of the said property and presented the sale deed before the 1st respondent, for registration. The petitioners state that the 1st respondent is refusing to register the document, on the basis of letters addressed to him, by the Sub-Inspectors of Police of Medchal and Kukatpally, Police Stations.

Heard learned Counsel for the petitioners, learned Government Pleader for Revenue, appearing for respondents 1 and 2 and learned Government Pleader for Home, appearing for respondents 3 and 4.

The petitioner had enclosed copies of letters, dated 10.02.2007 and 21.02.2007, addressed by the Sub-Inspectors of Police of P.S. Medchal and Kukatpally, respectively. In both the letters, it is stated that they have received complaints from one Mr.Manga Shiva Lingam Goud, stating that he is the owner of the land in Sy.No.337 of Nizampet

and accordingly, they requested the 1st respondent not to register any documents in respect of that land.

On the face of it, the letters addressed by the police officials, to the 1st respondent, cannot be sustained in law. The only provision that empowered the Government and not any subordinate officers, to direct the registering authorities not to entertain a document, was Section 22-A of the Registration Act. That provision enabled the Government to issue notifications prohibiting registration of transactions, in respect of the lands mentioned therein. That provision was set aside by this Court in ***State of Rajasthan v. Basanth Nahata*** [1].

Even while Section 22-A was in force, the police officials nowhere figured in the scheme. Therefore, if there exists any dispute in relation to any other land, the concerned parties have to resolve them by approaching a civil Court. The 1st respondent cannot refuse registration of document, on the basis of a communication received from the police.

Therefore, the Writ petition is disposed of, directing the 1st respondent to process the document presented by the petitioner, without any reference to the communication received from the police or any other authority. There shall be no order as to costs.

Dt.04.04.2007 **L.NARASIMHA REDDY, J**

Note:Furnish C.C. in two days.
(B/o)
GJ

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77